

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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NICHOLAS IPPOLITO,

Plaintiff,

v.

GLENN S. GOORD, et al.,

Defendants.

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DECISION & ORDER

05-CV-6683L

Plaintiff in the above-captioned matter having previously moved to compel defendants' production of court-ordered discovery responses (Docket # 169), and this Court having granted plaintiff an award of costs associated with the filing of such motion, but having denied plaintiff's motion to compel based upon defense counsel's representation that all responsive documents in defendants' possession had already been provided (Docket # 182), and plaintiff having nonetheless filed a subsequent motion to compel defendants' responses to his discovery requests without having provided any substantive evidence to suggest the existence of additional documents (Docket # 184), it is hereby

ORDERED, that upon defense counsel's previous and uncontroverted representation that all responsive documents in the defendants' possession have been disclosed,

and for the reasons articulated in this Court's Order dated November 18, 2008, plaintiff's motion to compel **(Docket # 184)** is **DENIED**.

**IT IS SO ORDERED.**

*s/Marian W. Payson*

MARIAN W. PAYSON  
United States Magistrate Judge

Dated: Rochester, New York  
December 4, 2008